

**From:** Bob Weiner  
**To:** Microsoft ATR  
**Date:** 1/23/02 6:04pm  
**Subject:** Microsoft Settlement

To Whom It May Concern:

I am a high-tech executive and software architect with 16-years of experience developing software on a dozen different operating systems including versions of Microsoft Windows, UNIX and Linux. I and most of the technology industry people I know feel confident that the proposed settlement of the Microsoft anti-trust case in which Microsoft was convicted of monopolist behavior will have little if any effect in preventing the corporation from continuing to pursue strategies which illegally discredit and bankrupt firms which choose to compete in its industries (eventually, anything digitally-driven).

At a minimum, any settlement agreement must include the following terms if it is to prevent Microsoft from doing further harm to the once vibrant software industry in this country:

It must preclude Microsoft employees and contractors from utilizing \*any\* APIs (application programming interfaces) prior to having such APIs announced and published in an open format, e.g. HTML, on the World-wide Web for at least one month. Otherwise, Microsoft application developers will always use their internal knowledge of new releases of Microsoft's operating systems to both add new features to their applications and make it more difficult for competitor's products to run properly as Microsoft changes the programming frameworks upon which they rely.

It must not allow Microsoft any say in the enforcement of the punishment, i.e. selection of 50% of the oversight team put in place to oversee its implementation of any actions.

It must include significant go-forward penalties if Microsoft is declared by the oversight team or by the judicial system to be in violation of any settlement agreement, e.g. its operating system technologies placed in the public domain.

It must force Microsoft to publish all available internal documentation and APIs on all of its file and data formats for all of its programs on the World-wide web in perpetuity. It must allow royalty-free use of this information in the development of alternative technologies which read, write and execute such formats.

Without such stringent declarations the settlement will have no significant impact on Microsoft or the industries and consumers from which it has already taken considerable wealth and future opportunity.

Best regards,

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